

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

KANE MARCEAUX, ET AL

Plaintiffs

CIVIL ACTION NO. 6:12-CV-01532

VERSUS

JUDGE RICHARD T. HAIK, SR.

LAFAYETTE CONSOLIDATED
GOVERNMENT, ET AL

Defendants

MAGISTRATE PATRICK J. HANNA

MOTION FOR SANCTIONS

NOW INTO COURT, through undersigned counsel, come Defendants, LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT (LCG); LAFAYETTE POLICE DEPARTMENT THROUGH THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT (LPD); LESTER JOSEPH "JOEY" DUREL, JR. IN HIS CAPACITY AS PRESIDENT OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT; DEE EDWARD STANLEY, INDIVIDUALLY AND IN HIS CAPACITY AS CHIEF ADMINISTRATIVE OFFICER OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT; JAMES P. "JIM" CRAFT, INDIVIDUALLY AND IN HIS CAPACITY AS CHIEF OF THE LAFAYETTE POLICE DEPARTMENT; AND GEORGE "JACKIE" ALFRED, INDIVIDUALLY AND IN HIS CAPACITY AS PATROL DIVISION COMMANDER OF THE LAFAYETTE POLICE DEPARTMENT, who respectfully move for sanctions against Plaintiffs and Plaintiffs' counsel pursuant to F.R.C.P. Rule 11 and 28 U.S.C. §1927, upon representing as follows, and as more fully supported by the Memorandum filed herewith:

1.

Plaintiffs, current and former Lafayette Police Officers, filed suit in the Louisiana Fifteenth Judicial District seeking to enjoin Defendants LCG, LPD, CAO Stanley, Chief Craft, and Major Alfred from conducting an investigation into the unauthorized release of a confidential LPD Internal Affairs document.

2.

Judge Kristian Earles dismissed Plaintiffs' State Court suit, finding Plaintiffs failed to show facts sufficient to support their claims.

3.

Following dismissal of the State Court suit, Plaintiffs filed the instant lawsuit, claiming violations of 42 U.S.C. §1983 and the U.S. Constitution, based predominantly on second-hand recycled information, constituting mere intra-departmental gossip.

4.

Nearly contemporaneously with the filing of Plaintiffs' second lawsuit, Plaintiffs' counsel, Stephen Spring and Christopher Alexander, sent several letters to Defendants seeking to terminate the investigation made basis of their State Court Petition, relying on more gossip and false accusations against individuals not parties to the litigation, as well as contorted citations of law and General Orders.

5.

Plaintiffs' ongoing pleadings and harassing correspondence was pointedly calculated to incite media attention, portraying Defendants in a disparaging light.

6.

Although the Complaint was filed on June 5, 2012, Plaintiffs apparently made no effort to promptly serve Defendants; therefore, Defendants waived service and filed a Motion to Strike pursuant to F.R.C.P. Rule 12(f) and Motion to Dismiss pursuant to F.R.C.P. Rule 12(b)(6).

7.

Based on Plaintiffs' malicious intent to harass Defendants, their persistent prosecution of a meritless and baseless claim, and their failure to make any effort to serve Defendants, Defendants respectfully request an award of sanctions against Plaintiffs and their attorneys, personally, in an amount sufficient to compensate Defendants for attorneys' fees, costs, and expenses incurred to defend themselves both before this Honorable Court and the court of public opinion.

WHEREFORE, Defendants, LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT (LCG); LAFAYETTE POLICE DEPARTMENT THROUGH THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT (LPD); LESTER JOSEPH "JOEY" DUREL, JR. IN HIS CAPACITY AS PRESIDENT OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT; DEE EDWARD STANLEY, INDIVIDUALLY AND IN HIS CAPACITY AS CHIEF ADMINISTRATIVE OFFICER OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT; JAMES P. "JIM" CRAFT, INDIVIDUALLY AND IN HIS CAPACITY AS CHIEF OF THE LAFAYETTE POLICE DEPARTMENT; AND GEORGE "JACKIE" ALFRED, INDIVIDUALLY AND IN HIS CAPACITY AS PATROL DIVISION COMMANDER OF THE LAFAYETTE POLICE DEPARTMENT, pray that their Motion for Sanctions be granted and that Plaintiffs be case in judgment for Defendants' attorneys' fees, expenses, and costs in defending this ongoing litigation, as well as for all costs of these proceedings.

RESPECTFULLY SUBMITTED:
BRINEY FORET CORRY

By: s/ Michael P. Corry

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CERTIFICATE

This is to certify that on July 31, 2012, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following:

springlaw@gmail.com

jca@jcalaw.us

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participant or pro se defendant:

None.

s/Michael P. Corry
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